

**REMARKS**

Claims 1-28 remain rejected under 35 U.S.C. §103(a) as unpatentable over Hase et al. (US Patent No. 5,099,134) in view of Tang (US Patent No. 5,949,850) and Nishiki (US Patent No. 4,725,734). This ground of rejection again is traversed and further reconsideration requested in view of the following.

The Office action replies that Tang “teaches a grid (i.e., collimator) directed to electromagnetic radiation (See Abstract).” This broad characterization of the Tang disclosure does not constitute a reason for one of ordinary skill in the art to have sought to modify the Hase collimator. Tang is directed to x-ray anti-scatter grids for x-ray imaging, wherein x-rays passing through an object from a source impinge on an x-ray imager such as a digital detector or x-ray film. Col. 6: 54-58. Tang discloses that, if desired, the holes of one or more layers of the anti-scatter grid can be filled by phosphor or any other materials, and that when the holes are filled with phosphor, the device performs the function of anti-scatter x-ray and x-ray “scintillator” (*sic, scintillator*). Col. 11: 16-24.

In contrast, Hase discloses a fan-beam focusing collimator which functions to focus radiation in a converging manner onto a scintillation crystal (note fan-beam focusing slits 3, Fig. 1). Hase teaches the requirement of a box frame 13 as shown in Fig. 5, with walls 9 and transparent bottom frame element 12, as a necessary structural requirement of the disclosed collimator. Therefore, the collimator of Hase is intended to be used, and in fact must be used, with a scintillation crystal slab. There simply is no

suggestion or teaching in Hase of any other use of the disclosed collimator.

Because Hase is not concerned with x-ray imaging, the teaching of Tang that if desired some holes could be filled with phosphor to function as an x-ray scintillator does not provide any teaching or reason for one of ordinary skill in the art to modify the Hase device, because Hase is not directed to x-ray imaging and therefore there would be no purpose for filling the collimator holes of the Hase device with phosphor to function as an x-ray scintillator.

Contrary to the position taken in the Office action, Tang does not teach “pixellated scintillators.” Phosphor does not function as a nuclear imaging scintillator, nor do the phosphor filled holes correspond to pixellated scintillators as no location information is computed from the x-ray scintillations. Instead, Tang merely discloses that phosphor material could be filled in some of the holes to function as an x-ray “scintillator” to produce additional photons for detection by an x-ray detector, which directly produces an x-ray image.

The Office action repeatedly refers to the Abstract of Tang to justify the characterization of Tang as “teaching” a “collimating grid applied to medical imaging together with electromagnetic radiation.” However, reliance on broad summary language in a prior art reference to the exclusion of what the reference actually teaches to those skilled in the art is improper. In determining what a prior art reference disclose to those skilled in the art, the analysis must focus on what the prior art reference actually teaches and not on the breadth of terminology used in the reference. See


Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 218 USPQ 781 (Fed. Cir. 1983).

While Nishiki discloses coating collimator plates with a reflector, Nishiki does not suggest the modification of Hase with Tang as proposed. Accordingly the addition of Nishiki does not render the combination of Hase with Tang proper as proposed.

### **Conclusion**

For the foregoing reasons claims 1-28 are respectfully submitted to be patentable over Hase in view of Tang and Nishiki. Favorable reconsideration of this application and the issuance of a Notice of Allowance are earnestly solicited.

Please charge any fee or credit any overpayment pursuant to 37 CFR 1.16 or 1.17 to Novak Druce Deposit Account No. 14-1437.

<b>RESPECTFULLY SUBMITTED,</b>					
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